

Regular Meeting of the
Hillsborough County Board of Commissioners
March 16, 2016
Bouchard Building, Goffstown, NH
Minutes of the Public Session
(Not Official until Approved by the Board and signed by the Clerk.)

Present: Comm. Ziehm, Comm. Pappas, D. Hogan, D. Dionne, G. Fisher, C. Kirby, M. Montminy, B. Moorehead, D. Reidy, G. Wenger, M. Castonguay, and L. Stonner.

Also Present: R. White, NHAC Executive Director

CALL TO ORDER

Comm. Ziehm called the meeting to order at 9:04 a.m. Mr. Wenger led those present in the Pledge of Allegiance.

NH ASSOCIATION OF COUNTIES

Comm. Ziehm welcomed Mr. R. White, Executive Director of the NH Association of Counties. He provided information regarding his background and distributed several handouts that addressed the issues brought forward by Hillsborough County. Handouts included:

- Administrative Director Job Description
- Office Manager Job Description
- Executive Director – Part Time – Job Description
- NH Association of Counties (NHAC) By-laws
- NHAC Draft 2016 Budget Narrative
- Information regarding a “Welcome Home Event Honoring Those Who Served”

He explained that the previous Executive Director’s focus related to legislative issues while his responsibilities will focus more on interfacing with the Counties. He explained that NHAC contracted with the Dupont Group for legislative support and with Holmes Company to address Medicare, Medicaid and managed care. He added that he is visiting all Counties and attending County Commissioner’s meetings and offering to support the Commissioners and their County operations, as well those of the elected County Officials. He noted that he is working more closely with the NHAC Affiliates to assist them. He added that the NHAC Officers have set goals and objectives that were included in his Job Description.

Mr. White addressed the County’s concerns including:

- The Association’s dues structure, which will be discussed going forward
- Statutes relating to DHHS and the Managed Care Organizations(MCO’s)
- Legislative issues and concerns
- Use of proxy votes on the Commissioner’s Council as it relates to compliance with RSA 91-A; he is researching the issue, but does not have the final answer yet with respect of the appropriateness of proxy voting.

Mr. White reviewed his Job Description with the Board and added that it will be placed on the NHAC website. He also reviewed the Job Descriptions related to the Administrative Assistant/Office Manager/Administrative Director. He noted that the current position is titled Administrative Director and added that there have been changes relative to the evaluation, hours worked, schedule, telephone communication, and responsibilities.

Mr. White indicated that he has recommended that an additional line be installed at the NHAC office to improve accessibility and communication. He noted that he has reviewed past financial records and is comfortable with what he has found and noted that there is a new Treasurer in place and the records will be available through the Association.

Mr. White addressed the By-laws but noted that the changes made at the November membership meeting have not yet been incorporated; he is working on updating them.

Comm. Pappas noted that one of the County's concerns relates to who is considered eligible to vote. Mr. White noted that he put out a letter to all the County Commissioners asking them to identify who they are designating as voting members. He added that the By-laws allow voting for by:

- Members of the Executive Committee
- Affiliate members
- Individuals identified by the Boards of Commissioners as a voting member (requirements are that it has to be an appointed official, elected official, or department head)

Comm. Pappas noted that the identification of voting members is unfair because some Counties will choose more department heads than other Counties, which in turn would create votes that are weighted. Mr. Moorehead pointed out that Coos County, for example, has two Nursing Homes and could have double the department heads in the Nursing Home group; however, Hillsborough County's facility has more beds. Mr. White responded that this is an example where the issue is unclear and there needs to be dialogue to try to correct the situation so that it is clear and fair.

Comm. Ziehm noted that she has seen many examples where parliamentary procedure was not followed and this is of great concern to her. Mr. White responded that Robert's Rules of Order still apply as well as the By-laws, which need to be clear and understandable. Comm. Ziehm stressed the importance of including the input from all the Counties and noted that there is no reason to belong to the Association if the County does not have input and equal representation.

Discussion ensued about the dues structure and how it might have been set originally. Comm. Pappas explained that a discussion regarding dues is a priority for Hillsborough County. Mr. White noted that other Counties have also questioned the dues structure.

In response to a question from Comm. Pappas, Mr. White explained that the NHAC Commissioner's Council is the funding authority; the NHAC Executive Committee has responsibility for the operations; the Finance Committee is the group that should be working with anything related to the budget process. He added that while the By-laws establish that there is a By-laws Committee, he is not aware of any activity by the By-laws Committee at this time.

Comm. Ziehm asked if other Counties are considering dropping their membership. Mr. White noted that Cheshire County is discussing withdrawal relative to issues with Corrections certification and training, but is going to remain a member currently. He added that as of the previous Monday, Carroll County's Delegation is considering cutting its funding for Association membership; it has proposed legislation that was not supported by NHAC, and that has caused bad feelings and an attack on the Association. Carroll County has also asked for the removal of the current NHAC President and that request will be an Agenda item at a future meeting of the Executive Committee.

Mr. White explained that it is important to have all 10 Counties as NHAC members because it gives the Association 2 votes at the National Association of Counties (NACo), but with less than 10 members, NHAC will only have 1 vote, and it is important to have good representation.

Mr. Wenger suggested that there should have been communication with the Board of Commissioners and Counties relative to the fact that there is an attack on the Association and that legislation is going on. Mr. White noted that he agrees that there has to be a better medium of communication and one option could be improving the website. He added that the technology is in place to establish better communication and a better level of connectivity.

Mr. White informed those present that one of his handouts relates to the Justice-Involved Veterans Initiative for the State; it describes a program for veterans that will take place at Merrimack, NH on Saturday, April 9th for military servicemen and women and their family members. He added that the goal is to connect those who have served in the military with the services that are available.

Mr. White provided the telephone number for the weekly joint call between Jim Monahan and Kate Moran of the Dupont group and Cathy Stacey, Chair; it typically also includes Comm. Maglaras and Mr. White and whoever wants to participate; it is designed for members of the Association to learn about pending legislation.

Comm. Pappas noted that the Board would still like to receive a copy of the By-laws for the Commissioner's Council; Mr. White noted that he will get those for the Board and added that he would like to see them posted on the website.

Mr. White discussed Managed Care Organizations (MCO's) and assisted living and how they affect the Counties.

Comm. Ziehm indicated that a constituent heard from DHHS that Hillsborough County has a pilot program that provides a service for residents to live at home such as carpentry, transportation, etc. Mr. White responded that he is not aware of such a program in the County.

Discussion ensued regarding Medicare and Medicaid and how the rates are set currently. Mr. Moorehead noted that the big issue going forward is that the MCO's still do not know how the rates will be set and whether they will be acuity-based or set by using another method. He noted that the implementation of Phase II has been delayed.

The Board thanked Mr. White for joining the meeting and speaking to Hillsborough County's issues.

The Board took a quick break at 10:32 a.m.

The meeting reconvened at 10:35 a.m.

ADMINISTRATIVE BUSINESS

Minutes

Motion:

To approve the minutes of the Board of Commissioner's meeting held on February 1, 2016. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Motion:

To approve the minutes of the Board of Commissioner's meeting held on February 3, 2016. Motion by Comm. Pappas, second by Comm. Ziehm.

Mrs. Stonner noted that Mr. Moorehead referred to a sentence on Page 2 under Nursing Home that reads: *”Mr. Moorehead reported that he request read: “Mr. Moorehead reported that the Nursing Home now has an agreement with Harvard Pilgrim that expands the coverage to employees with Harvard Pilgrim Coverage.”*

Motion:

To amend the motion to include the language as suggested by Mr. Moorehead. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

The original motion to approve the minutes of February 3, 2016 as amended carried.

Motion:

To approve the minutes of the Board of Commissioner’s meeting held on February 17, 2016. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Motion:

To approve the minutes of the Board of Commissioner’s meeting held on March 2, 2016. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Supplemental Payroll

Motion:

To approve Supplemental Payroll Registers on the following dates for the following amounts:

- 03/03/16 \$ 4,466.14
- 03/04/16 \$ 2,415.33
- 03/08/16 \$ 2,527.12
- 03/10/16 \$ 1,683.82
- 03/10/16 \$ 130.04
- 03/14/16 \$ 120.00

The total Supplemental Payroll is \$11,342.45 subject to review and audit. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Regular Payroll

Motion:

To approve a Regular Payroll Register dated March 10, 2016 for the amount of \$1,060,873.35 subject to review and audit. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Accounts Payable

Motion:

To approve an Accounts Payable Register dated March 15, 2016 in the amount of \$6,402,229. The total for the Accounts Payable is \$6,402,229.16, subject to review and audit. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Transfer # 2016-10 – County Attorney

Motion:

To approve Transfer # 2016-10 for the County Attorney’s Office to transfer the amount of \$350 from Consulting, line 4123-7230 and to transfer a like amount to Education & Conference, line 4123-7170. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

In response to a question from Comm. Ziehm, Attorney Hogan explained that the additional \$350 is needed to pay for the 5th Annual NCCC Conference and noted that this is a learning opportunity for one of the County's attorneys.

Transfer # 2016-11 – Department of Corrections

Motion:

To approve Transfer # 2016-11 for the Department of Corrections to transfer the amount of \$200,000 from Salaries/Wages, line 4230-7010, and to transfer a like amount to Overtime, line 4230-7011. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Supt. Dionne noted that he provided an article that addresses the shortage in Correctional Officers at the State level.

PUBLIC COMMENT ON AGENDA ITEMS

There was no one from the Public who wished to comment on Agenda items.

DEPARTMENT OF CORRECTIONS

Census

Supt. Dionne presented the Department of Correction's (DOC's) Census; he noted that as of March 8, 2016, the Census included 456 inmates; there were also 11 in the community for a total of 467 in custody. The Census included 367 men; 116 of the men had been sentenced and 251 were being held pre-trial. There were 100 women; 32 of the women had been sentenced and 68 were being held pre-trial.

Supt. Dionne noted that the Department of Corrections was holding 30 female inmates from Rockingham County. He informed the Board that 156 individuals were diverted through the Mental Health Courts including 84 from Manchester and 72 from Nashua.

Overtime Impact Report

It was noted that the DOC's Overtime Impact Report for the current Fiscal Year was included in the Board's packet.

Supt. Dionne requested approval of the transfer of an inmate from Sullivan County due to co-defendants needing to be kept separate from other inmates.

Motion:

To approve the transfer of an inmate from Sullivan County to the Hillsborough County Department of Corrections. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

NURSING HOME

Census

Mr. Moorehead noted that the Census at the Nursing Home for the period ending March 10, 2016 was 278; it included 209 Medicaid residents, 41 private pay residents and 28 Medicare residents; he added that the Census is at 282 currently.

GI Update

Mr. Moorehead updated the Board regarding the GI bug at the Nursing Home. He noted that the last unit showing signs of the GI bug was the skilled unit; it is now clear and was terminally cleaned the previous day.

February Revenue

Mr. Moorehead presented the unaudited Revenue for February, 2016. He explained that the budgeted Revenue for Room & Board and ancillaries for February was \$1,978,031 while the actual was \$1,913,960, which resulted in a deficit of \$64,071 for February. He noted that February was a 29-day month and added that 1 day of lost revenue represents approximately \$60,000/day.

Mr. Moorehead informed the Board that there are several residents whose daily room rates have been billed as private-pay residents that are awaiting Medicaid approval. He added that in March, once approval is received, the rates for those affected residents will be adjusted retroactively and the facility will need to adjust its accounts receivable for that period. He noted that it will be a significant negative adjustment.

Year to Date Revenue

Mr. Moorehead noted that the unaudited year-to-date budgeted Revenue through February for Room & Board and ancillaries was \$15,824,248 while the actual was \$15,874,158, which resulted in a positive variance of \$49,910. He added that the budget for Bed Tax was \$1,675,000 while the actual revenue for 2 quarters was \$1,702,916, which resulted in a positive variance of \$27,916. He noted that the total of all revenues received to date represents a positive variance of \$77,826 and added that the budget is very tight.

Position Request

Mr. Moorehead referred to a memo sent to the Board earlier in the week that requested Board approval of a part-time, 30-hour per week Director of Medical Records position at an hourly rate of \$37.34 or \$58,250 per annum. The memo indicated that the person in that position is the full-time Director of Medical Records and that position is budgeted at \$77,271 per annum.

Mr. Moorehead explained that the person will probably not continue in the insurance program, but that is not clear at this time; she will not qualify for participation in the Retirement System once her hours are reduced to 30 hours per week. He further requested that the current full-time position be budgeted at \$1.

Motion:

To approve the request to create a part-time, 30-hour per week Director of Medical Records position at an hourly rate of \$37.34 or \$58,250 per annum; this is a change from full-time Director to part-time Director. Motion by Comm. Pappas, second by Comm. Ziehm.

In response to a question from Comm. Ziehm, Mr. Moorehead explained that the change will save approximately \$19,000 per year in FY2017 and approximately \$5,800 for the remainder of the current year plus the rollups that would decrease.

Motion carried.

Mr. Moorehead explained that the individual serving in that position is a key employee who is the Nursing Home's HIPAA compliance officer and expert on HIPAA regulations; she is also involved with chart audits and works closely with Point Click Care software, and she participates with the Quality Index and various other assigned projects. He added that the change is necessary to retain this critical employee.

Motion:

To approve the request to fund the full-time Director of Medical Records position at \$1. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

REGISTRY OF DEEDS

Comm. Ziehm noted that the Registry of Deeds' revenue report is included in the Board's packet.

OLD/NEW BUSINESS

SATCO Follow Up

Mr. Wenger noted that he and Supt. Dionne attended the Executive Committee's Subcommittee meeting on March; he noted that they will meet again on Monday, March 21st at the Complex at 10:30 a.m. At 3:00 p.m. the same day, they will be meeting in Concord with Chief Justice Nadeau and an expert in criminal justice. He added that Rep. Kurk provided them with 5 steps for consideration. Supt. Dionne observed that it is important that the 2 proposed programs are understood and addressed separately; one is a Drug Court and the other (SATCO) is a treatment program. He added that there seemed to be more consideration given at a recent meeting in Concord about the funding rather than in understanding the 2 programs. Supt. Dionne noted Rep. Kurk asked him for information regarding the SATCO program so that the Subcommittee will understand the step-by-step process of what happens to an inmate from the time he/she enters the DOC until he/she leaves. Supt. Dionne added that consideration and actions are taken depending whether an inmate owns a house, is employed, has insurance, and there are other items that the program would address.

Comm. Pappas noted that Chief Willard has been appointed to the National Association of Counties, League of Municipalities Opiate Drug Task Force through the League of Municipalities.

Comm. Ziehm added that a big issue for her is passing authority to another entity for a County program over which it has no control.

Discussion ensued relative to providing information about the opportunities that the County can provide for individuals before they enter a Drug Court. Supt. Dionne noted that different communities provide more or less opportunities for treatment depending on their resources and programs; many of the small communities immediately transport offenders to the County jail.

FY 2017 Budget Discussion

Mr. Wenger noted that budgets are due on Friday of the following week and asked the Board to consider any issues or concerns.

Mr. Wenger added that the Salary Sheets will be locked in as of the following Friday, March, 18th; any adjustments after that date can be changed during the budget process

DSRIP Waiver Program

Mr. Wenger explained that the DSRIP packet refers to the Medicaid Waiver; he noted that he attended a meeting in Manchester sponsored by NH Department of Health & Human Services (DHHS). It is holding public hearings across the State regarding the 1115 Medicaid Waiver, which involves \$15,000,000 over 5 years. He reported that the requirements to have the Counties involved was mentioned on numerous occasions, particularly as it relates to connections with the Department of Corrections. And while DHHS

understands that it does not address or provide any opportunity for inmates within the walls of the DOC, it does see an opportunity to work with inmates as they are transitioned out of the jails. Mr. Wenger added that this also relates to Nursing Homes. He noted that this may provide a connection with the County's SATCO program and explained the packet includes information and requirements.

Mr. White indicated that Cheshire County has discussed the aforementioned subject at its Board of Commissioner's meeting and added that it has concern relative to the large physical area that it will be a part of.

The State has been broken down into 7 geographic areas based on population and location of the providers and service areas.

Mr. Wenger noted that the Fact-Finding meeting for the Nursing Home AFSCME group will be held the following day at 10:00 a.m.

Mr. Moorehead explained that M. Lencki, Purchasing Director for the Nursing Home, requested that the Board consider authorizing him to lock in prices for electric and natural gas, as he has done in the past. He added that Mr. Lencki has indicated that prices are good and it would be advantageous to lock them in within the next week or two.

Motion:

To authorize Mr. Lencki to lock in the rates for electric and natural gas. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

Mr. Moorehead indicated that the current locked in rate will expire in November.

NON-PUBLIC SESSION

Comm. Ziehm entertained a motion regarding the request for Non-Public Session. Supt. Dionne and Mr. Wenger requested an opportunity to meet with the Board in Non-Public Session.

Motion:

To enter Non-Public Session consistent with RSA 91-A:3 II (g), consultation with Counsel. Motion by Comm. Pappas, second by Comm. Ziehm. Ziehm-yes, Pappas-yes. Motion carried. Motion carried.

Motion:

To enter Non-Public Session consistent with RSA 91-A:3 II (a), relative to personnel. Motion by Comm. Pappas, second by Comm. Ziehm. Ziehm-yes, Pappas-yes. Motion carried.

The Board took a brief Recess

The Board moved into Non-Public Session at 11:33 a.m.

The Board moved out of Non-Public Session at 11:53 a.m.

Motion:

To come out of Non-Public Session. Motion by Comm. Pappas, second by Comm. Ziehm. Ziehm-yes, Pappas-yes. Motion carried.

Motion:

To seal the minutes of the Non-Public Session. Motion by Comm. Pappas, second by Comm. Ziehm. Ziehm-yes, Pappas-yes. Motion carried.

ADJOURN

There being no further business to come before the Board, a motion to adjourn was entertained.

Motion:

To adjourn the meeting. Motion by Comm. Pappas, second by Comm. Ziehm. Motion carried.

The meeting adjourned at 11:54 a.m.

Approved on March 30, 2016

Comm. Toni Pappas, Clerk
Hillsborough County Board of Commissioners

Date